

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

LATINOS FOR TRUMP, BLACKS
FOR TRUMP, JOSHUA MACIAS,
M.S., B. G., J.B., J.J.,

Plaintiffs.

V.

PETE SESSIONS, MITCH
McCONNELL, NANCY PELOSI,
MARK ZUCKERBERG, CHUCK
SCHUMER, ALEXANDRIA
OCASIO-CORTEZ, BRAD
RAFFENSPERGER, ALL
MEMBERS OF THE 117TH U.S.
CONGRESS, et al.,

Defendants.

CIVIL ACTION NO. 6:21-CV-43

JURY TRIAL REQUESTED

TEMPORARY RESTRAINING ORDER

After considering Plaintiff's Motion for Temporary Restraining Order against Defendants, ex parte, due to the risk of immediate and irreparable harm, to be caused to Plaintiffs by the members of the illegitimate 117th "Congress" and the 46th "President," Joseph P. Biden,¹ whom said illegitimate Congress did unlawfully confirm to the office, who unlawfully hold the mantles of office, to temporarily restrain the effects of their illegal acts (including the barrage of executive orders, which severely threaten economic stability) and to restore the *status quo ante*, on the

¹ A third party beneficiary of the Defendants' illegal acts, and and who also participated in the 107th Congress in the legislative process leading up to and including his vote of "yes" to pass the Help America Vote Act of 2002, showing direct and specific knowledge of the law.

pleadings, declarations, expert reports, and other documentary evidence in support thereof, the Court FINDS as follows:

After considering Plaintiff's Motion for Temporary Restraining Order against Defendants, who illegitimately and unlawfully hold the mantles of office in both the legislative and executive branches of government, and due to the excessive nature of the executive orders activity of the unlawfully confirmed "President" Joseph P. Biden², and due to the economic stability of the nation, to temporarily restrain the effects of their illegal acts and restore the *status quo ante*, on the pleadings, declarations, expert reports, and other documentary evidence in support thereof, the Court FINDS as follows:

1. Plaintiffs will likely suffer the following immediate and irreparable injury, loss, or damage in the following manner: (1) loss of the ability to a government by consent of the governed by virtue of being deprived of the fundamental right to legally vote in federal elections; (2) imminent transformation of the United States into an oppressive police state that persecutes those with political views differing from those in control of government, and (3) severe financial harm without the ability to collect damages because of the risk that the United States will cease to be safe haven for the capital assets of investors and that the economy is likely to experience severe instability if controlled by an illegitimate government.

2. This injury is irreparable because it would be impossible to calculate an appropriate amount of monetary damages to compensate Plaintiffs for the loss of the right to a government by consent of the governed and the financial harm that would ensue with no clear way to recover monetary damages in the face of economic volatility.

3. There is a substantial likelihood that Plaintiffs will prevail on the merits of their claims.

4. The threatened harm to Plaintiff vastly outweighs the harm that a temporary restraining order would inflict on Defendants, which have no constitutionally-guaranteed right to personally hold office, especially in the face of the allegations in the Complaint and evidence in the record.

5. Issuance of a temporary restraining order would not adversely affect the public interest and public policy because it will serve to protect the public during the constitutional crisis until the Court can hold an evidentiary hearing.

6. This *ex parte* order is granted without notice to the Defendants because notice of a hearing risks that Defendants may destroy evidence and because it would be impracticable to serve the numerous amount of Defendants, and because, given the nature of egregious acts of Defendants alleged in the Complaint as supported by the evidence in the record to this date, including the documents attached to the Complaint, there is no less drastic remedy to protect the Plaintiffs' sacred constitutional and natural rights, i.e. the right to a government by consent of the

governed by “We the People” through their substantive due process right to cast a legal vote in federal elections.

FOR THESE REASONS AND for the purpose of maintaining the *status quo ante*, on August 1, 2021,³ of a republican form of government through the checks and balances prescribe in the Constitution of the United States, the Court hereby enters the following TEMPORARY RESTRAINING ORDER, pending a Preliminary Injunction hearing:

Matters of Conduct of Legislative Function:

- (1) As there is substantial likelihood that Plaintiffs will prevail on the merits, all members of the 117th US Congress, who were elected in the 2020 elections through violation of HAVA (collectively, the “Disputed Congress”) shall be temporarily barred from holding public office;
- (2) All Senators who were not subject to the 2020 Election shall remain in office, except for current Senators who participated in the legislative process and/or the vote that led to the enactment of the Help America Vote Act of 2002, including any amendments thereto, shall also be temporarily barred from holding public office (the “Complicit Senators”) because they likely knew or reasonably should have known of the harm being perpetrated on the American electorate, yet failed to take any action to stop it;
- (3) All remaining Senators shall constitute the entire Legislative branch (the “Congress Pro Tempore”) but shall not have the power to enact new legislation or exercise any authority other than what is necessary for the minimum administrative or ministerial functions essential to the continuity of government;
- (4) All actions taken by Congress with the participation of any members of the Disputed Congress and/or the Complicit Senators since January 3, 2021, including but not limited to: (1) All actions taken under Title 3 of the United States Code in counting the Electoral College votes and confirming Joseph Biden as President-Elect, leading to his inauguration; (2) All actions taken to impeach and/or convict the 45th President, Donald J. Trump during or

³ August 1, 2021 is a date before the 2020 election campaigns for Congress and the President began. Oftentimes, there are seismic shifts in government bureaucracies and policy just prior to an election as government officials tend to shift policy and personnel positions in anticipation of who may come to power in the wake of an election.

after his term in office; and any other actions and/or legislation passed prior to the entry of this Order are hereby temporarily enjoined from enforcement, such that the same shall have no longer have lawfully enforceable effect pending a preliminary injunction hearing;

- (5) The Disputed Congress, Complicit Senators, and their respective staffs are temporarily enjoined from access to the U.S. Capitol building and any ancillary offices on Capitol Hill, and the use of titles, benefits, or authorities therefrom;
- (6) The respective Sergeants at Arms of the Senate and of House of Representatives are hereby ORDERED to take all reasonable and necessary steps to immediately escort, and without prior notice, any members of the Disputed Congress or Complicit Senators and their staff (collectively the “Restrained Congress”) out of the Capitol building and their respective ancillary Washington, D.C. offices, and is further ordered to immediately lock all doors to the all such offices and rooms in the Capitol building and ancillary office buildings including congressional offices of Congress with any materials located therein (the “Sequestered Materials”) not to be disturbed by any person without order of this Court so as to be preserved for discovery and inspection in connection with the allegations set forth in Plaintiffs’ Complaint; no materials shall be shall be removed by the Restrained Congress from the Capitol under any circumstance other than bona fide personal items on their person that do not include electronic devices, which shall be confiscated for forensic inspection as the Court may direct.
- (7) Any dispute or conflict that arises from this section pertaining to the legislative branch shall be resolved by this Court, who shall be the final arbiter thereof;

THE STEWARDS AND THE EXECUTIVE BRANCH

- (8) As there is a substantial likelihood that Plaintiffs will prevail on the merits that Congress’s act in confirming Joseph Biden as the President-Elect and Kamala Harris as Vice President-elect were unlawful acts by an illegitimate Congress. Accordingly, Mr. Biden, Ms. Harris, and the Executive Branch are hereby temporarily enjoined from exercising any authority to make a policy departure from the previous administration under President Donald J. Trump pending the preliminary injunction hearing;
- (9) The Court hereby appoints a committee of special masters (the “Stewards”), one Steward for each Executive Branch Cabinet Position to be composed of the former members of the previous administration’s Cabinet existing as of August 1, 2020;

- (10) The Stewards shall have the ability to utilize the West Wing of the White House to assure the continuity of government and shall will have the exclusive authority as to staffing issues including the retention of, replacement of, and maintenance of which are considered normal administrative or procedural processes. And issue of Conflict regarding within the Stewards and Executive Branch section shall be resolved by this Court, acting as the final arbiter;
- (11) All persons who acted in a legislative manner in the 107th Congress and had expressed knowledge of the Help America Vote Act of 2002, and as amended in 2005 and 2008, including but not limited to Mike Pence, all named Defendants in this lawsuit, and any member of staff thereof shall be barred from holding any position in government or administration of government pending the preliminary injunction hearing;
- (12) The Stewards shall have the temporary power to veto any decision regarding policy, foreign or domestic, or any action already taken or to be taken by Joe Biden, Kamala Harris, the current Executive Branch, (collectively the “Disputed Administration”);
- (13) All executive actions taken by the Disputed Administration prior to this Temporary Restraining Order prior to be serviced with a copy of this order shall hereby be temporarily reversed and given no effect, unless revived by the process set forth below, and the Disputed Administration shall take all necessary and proper action to immediately reverse such actions without restraint;
- (14) Together, the Stewards and the Congress Pro Tempore shall act jointly in administering government and shall be known, collectively, as the “In-Possession Trustees” and shall administer governmental activities as prescribed within the Constitution;
- (15) Each of the two branches of government as named in the proceeding paragraph shall appoint a “Speaker” for each branch, affirmed by the other, who shall act jointly to address the nation, discuss operational policies and in the case of acts of extremis jointly hold the “emergency powers of President.”
- (16) To the extent there arise any conflict between any of the authorities named herein, this Court shall resolve the same, and be the final arbiter thereof.

USE OF THE WHITE HOUSE AND OTHER ASSETS

- (17) Joseph Biden and Jill Biden are hereby temporarily enjoined from using the residence of the White House and the Secret Service shall immediately relocate Mr. and Mrs. Biden to Blair House, the guest house of the sitting U.S. President, while this Order is in force as residence in the White House is a privilege paid for by the taxpayers;
- (18) The Secret Service is hereby ORDERED to escort Joe Biden and Jill Biden out of the White House and to their personal residence where the Secret Service shall provide all appropriate security and all appropriate measures to ensure secure communications for the continued function of the Executive Branch, subject to the Overseers as set forth herein; their staff may use the White House offices to conduct official Executive Branch business and shall establish a secure method of communicating with Joseph Biden;
- (19) Mr. Biden and Ms. Harris shall not be permitted to use Air Force One, Air Force Two, Marine One, or any other similar vehicle at the expense of the taxpayers without the express approval of the Trustees by majority vote, on a case by case basis, and not for any political or election type purpose;
- (20) If any matter arises that poses an imminent national security threat or similar emergency, such matter than be immediately communicated to the Stewards through a secure line; the Stewards shall designate a “Emergency Steward” among one of themselves by taking nominations, which must be seconded and choosing among the nominees by a majority vote; to the extent there is not a majority in the initial vote, the top two Stewards receiving the largest pluralities shall have a runoff; the Emergency Steward shall have the power that would normally be vested in the President of the United States during any such issue of an imminent national security threat or any situation of similar severity or threat relating to the well-being of the nation an (“Emergency Event”); the Emergency Steward shall be escorted by Secret Service to the Situation Room in the White House or brought in by teleconference as may be appropriate; in no event shall Joseph Biden or Kamala Harris have the authority to take any action in an Emergency Event but are required to immediately notify the Emergency Steward if any event arises meeting the definition of an Emergency Event.
- (21) The “Nuclear Football” shall be under the exclusive control and authority of the Stewards at all times and shall only be used by direct order of the Emergency Steward, who shall act in a manner of succession if both Speakers are incapacitated;

The lawful purpose of the following temporary orders is to protect the civil rights of the Plaintiffs to adequate representation by the Counsel of their choosing and to

protect the rights of potential Plaintiffs who have a right of action arising under any of the facts and law presented in the Complaint.

- (22) The Department of Justice, the Federal Bureau of Investigation, and any other bureaucratic federal agency with the power or ability to arrest and/or detain U.S. Citizens (the “Police State Agencies”) are hereby temporarily enjoined from arresting and/or holding in custody Plaintiffs’ undersigned lead counsel, Paul M. Davis and co-counsel, Kellye SoRelle, and any other person who voted in the federal elections of 2020 and/or the 2021 Georgia Senate Runoff, which resulted in the Disputed Congress in relation to the exercise of their First Amendment civil right to peaceably assemble in protest provided that such persons (the “Peaceful Protestors”) provide a Declaration under penalty of perjury that they (1) voted in the 2020 federal election, (2) did not commit an overt and intentional act of violence against a police officer or other security force that resulted in significant injury to the same; (3) did not use force to enter the Capitol building; and (4) did not vandalize any property in the Capitol building during their attendance at the January 6, 2021 protest in Washington, D.C. (the “March for Trump”);
- (23) If any of the Peaceful Protestors make such a Declaration in the form on Exhibit 1 attached hereto, they may keep a copy in a secure location of their choosing, and if they are arrested and/or held in custody by a Police State Agency, any friend of such person may produce the same to Counsel for the Plaintiffs who will submit the same to the Court; and upon such submission the offending Police State Agency shall appear before the Court to show good cause for holding such person by producing clear and convincing evidence that the Declaration is false or shall release the Peaceful Protestor from custody and shall refrain from harassing the same in any manner;
- (24) Furthermore, any Person, whether private citizen or public official found to be threatening or taking an overt act against the safety and/or the life, liberty or property, including calling for the termination of, vandalizing the property of, threatening the family or friends of, such Peaceful Protestor on the basis of their presence at the March for Trump shall be held in contempt of Court, upon a showing of a preponderance of evidence that such conduct occurred for interfering in such person’s constitutional right to participate in this lawsuit to have their grievances addressed by the federal courts; the Court to determine an appropriate remedy on a case-by-case basis;
- (25) The Secret Service shall work jointly with the US Marshalls Service to ensure the safety and security of this Court and all members thereof until such time the matter before the bar has been resolved.

The clerk is ORDERED to take all steps necessary to issue notice of this TEMPORARY RESTRAINING ORDER to all agencies, executives, legislative bodies of Government, including federal and state, or any other governmental authority necessary to execute the provisions of this Order, including, specifically, Joseph Biden, Kamala Harris, Defendants named in the Complaint acting in a capacity of government or other persons the Court deems appropriate, including those persons who would qualify to be Stewards, members of Congress Pro Tempore, and to the members and staff of the Disputed Administration, who are, at least, third party beneficiaries of the acts and omissions alleged in this Complaint, and that the hearing on Plaintiff's request for preliminary injunction is set for no less than 14 days from the entry of this order and shall be set, accordingly, on _____, 2021, at ____ a.m./p.m. However, given the voluminous amount of expedited discovery necessary to occur prior to the hearing on the request for preliminary injunction, Plaintiffs are encouraged to apply for extension of this TEMPORARY RESTRAINING ORDER for an additional 14 days pursuant to Fed. R. of Civ. P. 65(b)(2) and thereafter by agreement between the parties.

Plaintiff to post bond in the amount of \$_____.

This order will expire on _____, 2021.

SIGNED on _____, 2021, at _____ a.m./p.m.

PRESIDING JUDGE

FORM OF ORDER SUBMITTED BY:

/s/ Paul M. Davis

Paul M. Davis

Texas Bar Number 24078401

Admitted to Western District of Texas

Former Associate General Counsel of

Goosehead Insurance, Inc.

(Terminated after peacefully protesting)

Now Solo Civil Rights Attorney

Kellye SoRelle

Law Office of Kellye SoRelle

Texas Bar Number 24053486

Admitted Pro Hac Vice

ATTORNEYS FOR PLAINTIFFS